IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.116 OF 2007

Shri Santosh Balbhim Kedar. ...Petitioner.

Versus

1.M/s.Patil Automobiles,&
2.State of Maharashtra. ...Respondents.

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Mr.Ajay A. Joshi, Adv. for the Petitioner.
Mr.S.D.Thokade, Adv. for Respondent No.1.
Mr.Rajesh More, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 27th June, 2007.

P.C.:

1. Heard the learned Advocate for the petitioner-orig.accused, the learned Advocate for respondent No.1-orig.complainant and the learned APP for the State. The petitioner-accused is present in person. The learned Advocate for respondent No.1-orig.complainant undertakes to file his Vakalatnama within a week from today. The undertaking is accepted.

2. The cheque which was dishonoured in the present case was for Rs.91,000/-. By judgment and order dated 29.8.2005, the learned IInd Jt.JMFC, Solapur convicted the petitioner under Section 138 of N.I.Act

in S.T.C.No.4651 of 2003. By the said judgment and order, the petitioner was sentenced to suffer S.I. for six months and to pay fine of Rs.2000/- in default S.I. for two months. He was further directed to pay compensation of Rs.91,000/- to the complainant within three months from the date of the order. Being aggrieved by the order of the learned Magistrate, the petitioner preferred Criminal Appeal No.50 of 2005 before the Sessions Court at Solapur. The said Appeal came to be dismissed. Being aggrieved thereby, this Revision has been preferred.

3. During pendency of this Revision, it was stated that the parties are trying to explore the possibility of settlement. Now the learned Advocates for the parties have stated that the matter is amicably settled. In view of the settlement, the petitioner is to give Rs.1,06,000/-, i.e. Rs.91,000/- as directed to be deposited by the learned Magistrate plus an additional amount of Rs.15,000/-, to respondent No.1-orig.complainant. Out of the amount of Rs.91,000/- as directed to be deposited by the learned Magistrate, Rs.23,000/- has already been deposited by the petitioner before this Court. Respondent No.1-orig.complainant is permitted to withdraw the said amount. In addition thereto the petitioner has got a demand draft bearing No.002631

dated 26.6.2007 in the name of respondent No.1-orig.complainant drawn on Bank of India, Solapur Service Branch in the sum of Rs.10,000/-. The said demand draft is handed over to the complainant in the Court. Thus, now an amount of Rs.73,000/- remains to be handed over by the petitioner to respondent No.1-orig.complainant.

4. The learned Advocate for the petitioner, on instructions, states that the amount of Rs.73,000/- will be deposited by the petitioner in this Court within eight weeks from today. On deposit of the said amount of Rs.73,000/- in this Court, the respondent No.1-orig.complainant is permitted to withdraw the said amount. In view of the fact that the parties have amicably settled the dispute, the matter stands compounded between the parties and the petitioner is acquitted therein. It is made clear that if there is any default in depositing the amount of Rs.73,000/- before this Court within eight weeks from today, the Revision will stand revived and the bail granted to the petitioner shall stand cancelled and he can be taken into custody.

5. Revision Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)